



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: **June 14, 2005**
Comment Deadline: **July 14, 2005**
Corps Action ID #: **200120668**

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Pennybyrn at Maryfield
Attn: Sister Lucy Hennessy
1315 Greensboro Road
High Point, North Carolina 27260

Agent: Engineering Consulting Services, Ltd.
Attn: Ms. Denise Poulos
6909 International Drive, Suite 103
Greensboro, North Carolina 27409

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures under Section 404 of the Clean Water Act (33USC 1344).

Location

The Pennybyrn at Maryfield retirement community property is approximately 70.19 acres in size and is located at 1315 Greensboro Road, north of Main Street and west of Penny Road, in High Point, North Carolina. The site is located in Guilford County and the coordinates (in decimal degrees) for the site are 35.9956° North, 79.9591° West. The project site contains several unnamed tributaries to the Deep River, with adjacent wetlands in the Cape Fear River Basin (Hydrologic Unit Code 03030003).

Existing Site Conditions

The 11.46-acre project site is located within the property boundary of the existing Pennybyrn at Maryfield retirement community. The project area is located north of existing retirement facility and consists primarily of forested land. Representative tree species include: Red Maple (*Acer rubrum*), White Oak (*Quercus alba*), Sycamore (*Platanus occidentalis*), Yellow-poplar (*Liriodendron tulipifera* L.), River Birch (*Betula nigra*), American Hornbeam (*Carpinus caroliniana*), and American Beech (*Fagus grandifolia*).

The site contains three unnamed tributaries with important aquatic function that flow off the northern boundary of the project site and into wetlands adjacent to the City of High Point municipal reservoir. Total length of stream channel within the project boundary is approximately 826 linear feet. Stream channel A is approximately 120 linear feet and is located on the northwest corner of the project area. Stream channel C is approximately 200 linear feet and is located on the northeast corner of the project area. Stream channel B is approximately 506 linear feet in length and originates at a natural spring in the center of the project area that flows north to a 0.09-acre forested wetland located outside the property boundary. An additional 800 linear feet of perennial channel is located on the northwestern edge of the property, outside of the project area.

Applicant's Stated Purpose

As stated by the applicant, the purpose of the proposed project is to expand and renovate the existing Pennybyrn at Maryfield retirement community to include construction of 131 new independent living apartments, 18 additional single family cottages, a community center, dining facilities, business and recreational facilities, and a reconfiguration, expansion, and renovation of the existing Health Care Center that currently serves as housing for residents and nursing staff. The existing retirement community includes a 115-bed nursing facility, 10 assisted-living units, 29 single-family housing units, and a convent. The project will provide housing and long-term care for the elderly.

Project Description

The project is a planned expansion of an existing retirement community that will include construction of an independent living and community center and associated parking lots and roadways. Development of the site will require clearing, grading, excavation, and fill necessary for the construction of buildings, parking lots, and access drives. Heavy equipment including graders, pan scrapers, excavators, bulldozers, dump trucks, and backhoes will be used for construction of the project. The applicant has requested DA authorization for the relocation and backfill of 506 linear feet of stream channel that exhibits important aquatic function. The stream channel will be diverted into a pipe that discharges into a storm water management system located on the northwest boundary of

the project area. In addition, the unnamed tributary is hydrologically connected to 0.09-acre of forested wetland outside the property boundary that will be adversely impacted by the relocation of the stream flow and the placement of fill in the existing channel. Proposed plans detailing impacts have been included in this notice.

The applicants proposed mitigation plan includes payment into the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount necessary to restore 759 linear feet of stream channel and 0.09-acre of riparian wetlands.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by July 7, 2007.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that registered properties, or properties listed as being eligible for inclusion therein are located within the project area and/or will be affected by the

proposed work. The project site contains a Historic District known as the Maryfield Historic District. Impacts to the property may include potential disturbance to the visual aesthetics of the site.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

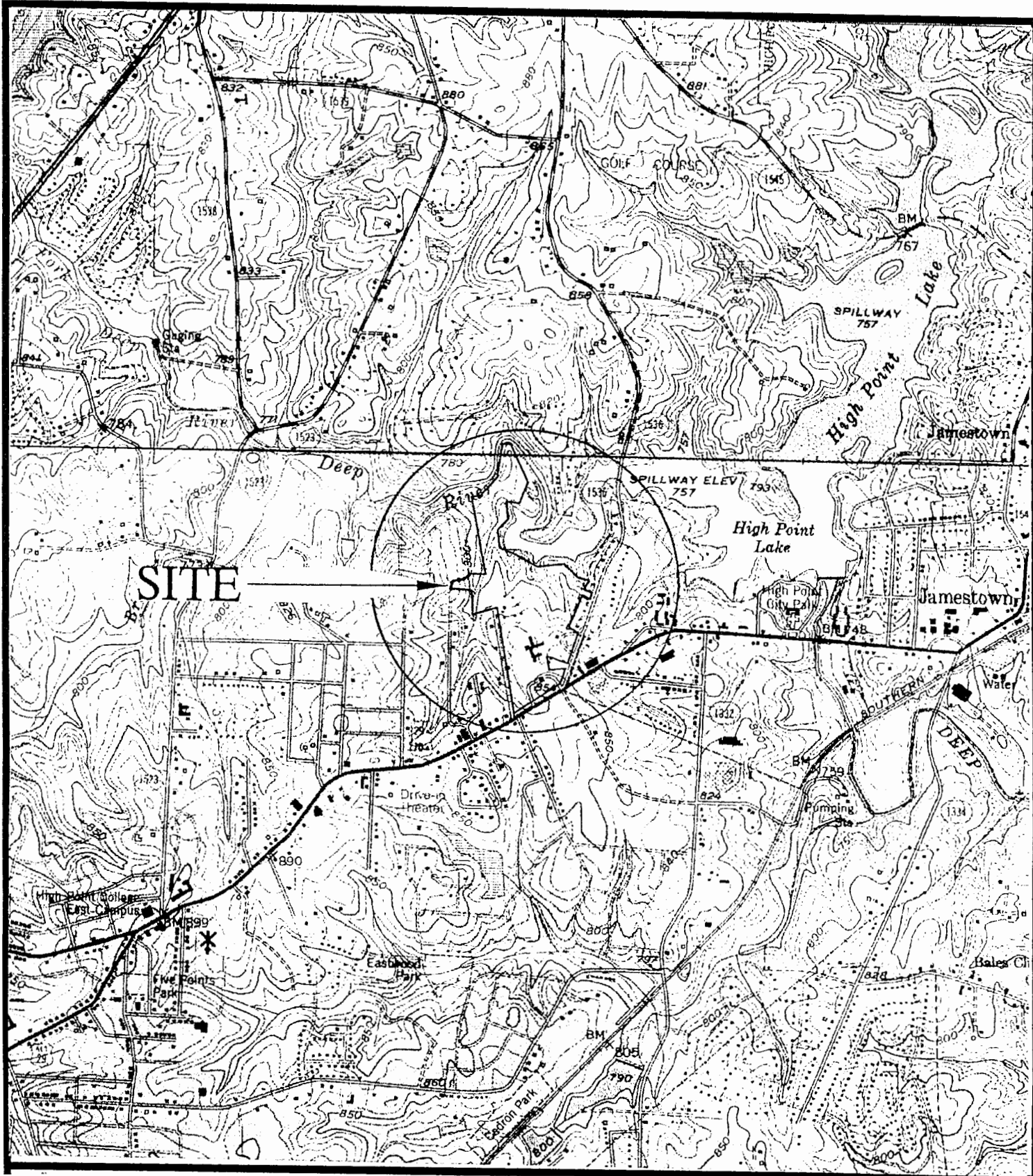
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

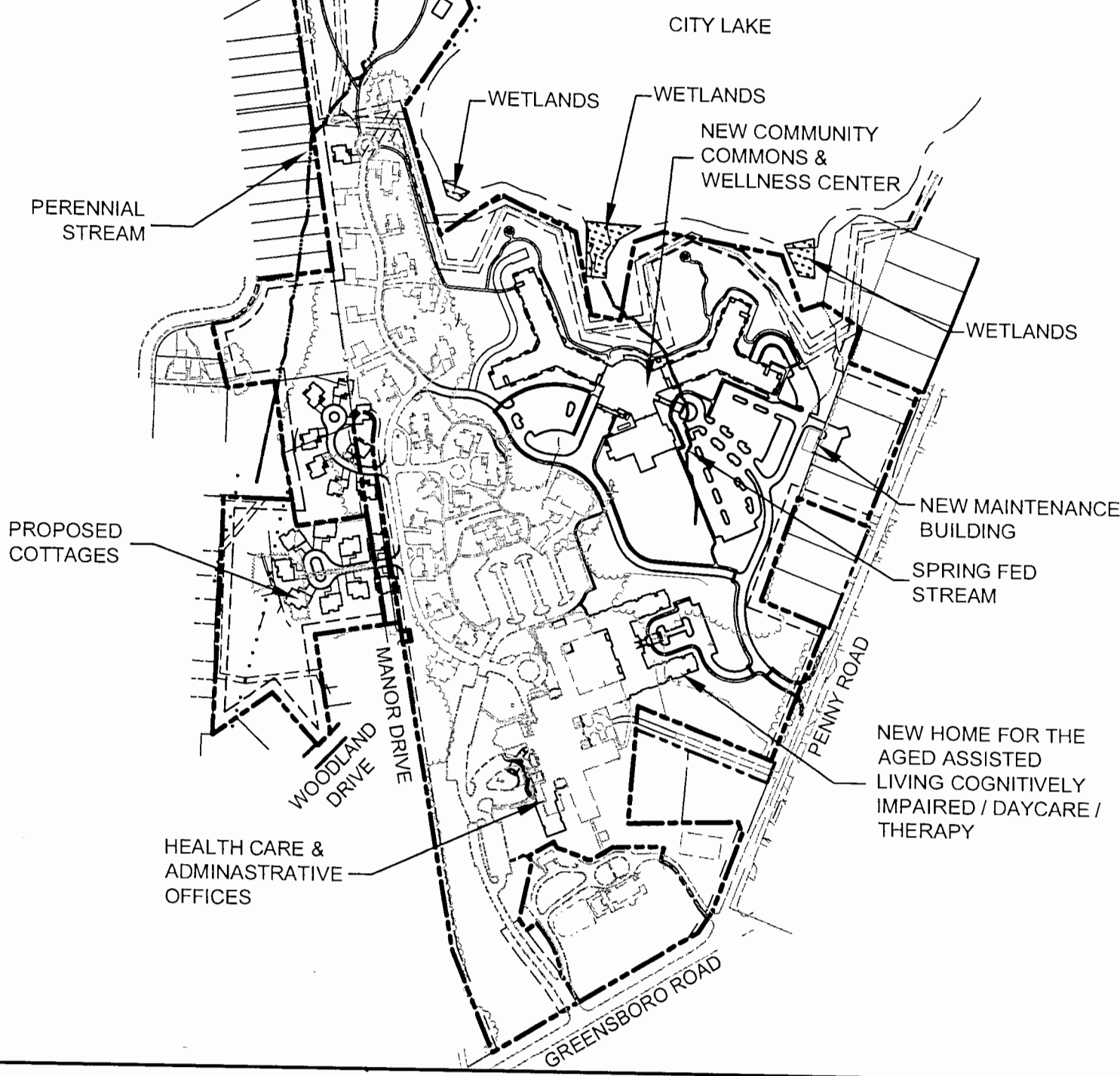
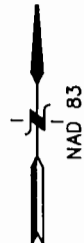
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

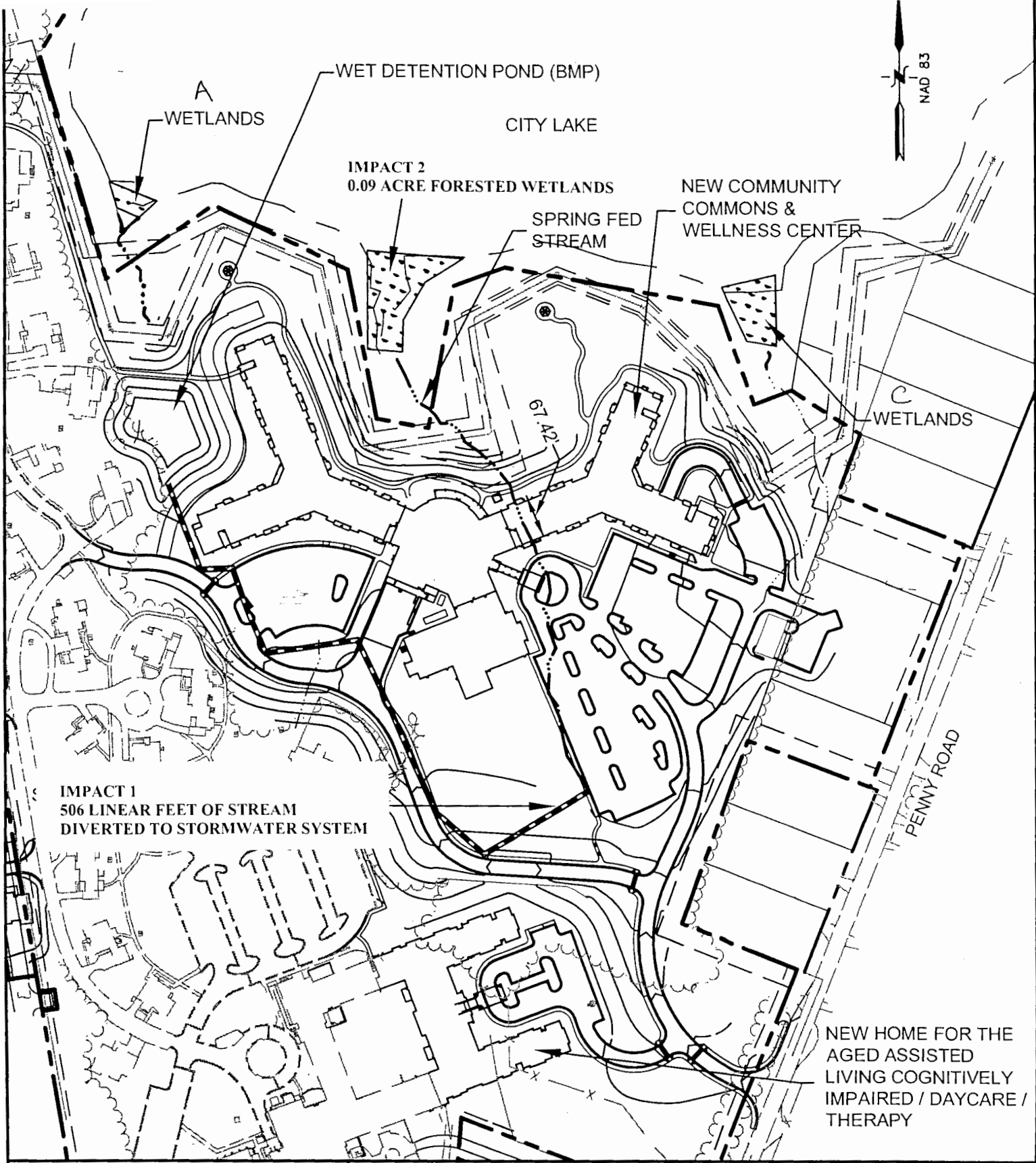
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, July 14, 2005. Comments should be submitted to Andrea Wade, 6508 Falls of the Neuse Road, Suite 120, Raleigh, North Carolina 27615.



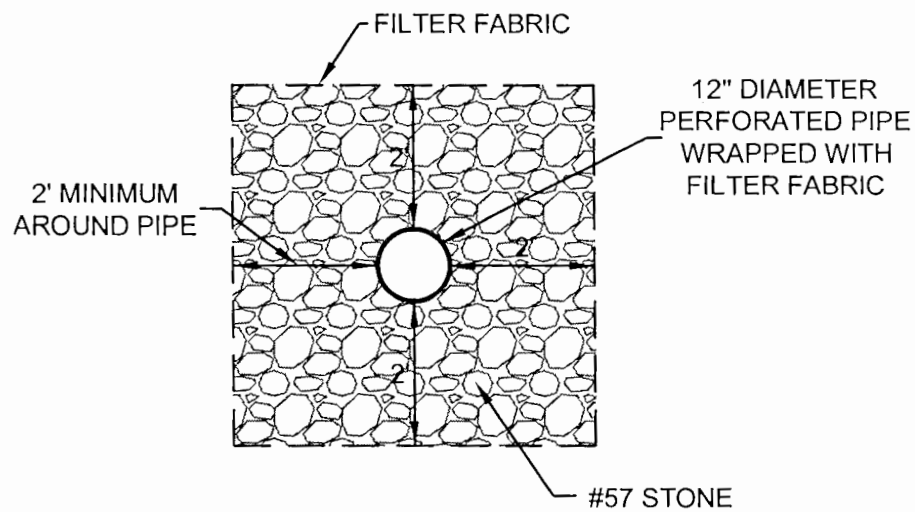
<p>PROJECT LOCATION/USGS TOPOGRAPHIC MAP AID # 200120668 Pennybyrn at Maryfield 1315 Greensboro Road High Point, North Carolina 27260</p>	<p>Guilford County, NC June 14, 2005 Figure 1 of 4</p>
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PROPOSED SITE LAYOUT	
AID # 200120668	
Pennybyrn at Maryfield	
1315 Greensboro Road	
High Point, North Carolina 27260	
Guilford County, NC	
June 14, 2005	
Figure 2 of 4	



<p>PROJECT AREA IMPACT MAP AID # 200120668 Pennybyrn at Maryfield 1315 Greensboro Road High Point, North Carolina 27260</p>	<p>Guilford County, NC June 14, 2005 Figure 3 of 4</p>
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NOTE:

1. LAST TWENTY (20) FOOT SECTION OF PIPE TO BE SOLID WITH NO STONE BEDDING.
2. FLARED END SECTION TO BE PROVIDED AT END OF PIPE

IMPACT DETAIL.	
AID # 200120668	Guilford County, NC
Pennybyrn at Maryfield	June 14, 2005
1315 Greensboro Road	Figure 4 of 4
High Point, North Carolina 27260	